

2022 -- H 8306

LC006069

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO FISH AND WILDLIFE -- AQUACULTURE

Introduced By: Representatives Ruggiero, Handy, Carson, Cortvriend, Batista, Kazarian, McGaw, Edwards, and Craven

Date Introduced: June 01, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 20-10-5, 20-10-16 and 20-10-17 of the General Laws in Chapter 20-
2 10 entitled "Aquaculture" are hereby amended to read as follows:

3 **20-10-5. Procedures for approval.**

4 (a) Upon submission of a completed application to the CRMC, the CRMC shall notify the
5 director, the MFC and any other parties that the CRMC may by regulation designate.

6 (b) No application shall be approved by the CRMC or a permit granted prior to the
7 consideration of recommendations by both the director and the MFC.

8 (c) No application shall be approved by the CRMC or permit granted prior to the applicant
9 hosting a public meeting including a presentation on the scope of the project in the community
10 where the proposed project will be sited. Notice of this meeting must be published in a newspaper
11 of record and on the CRMC and local municipality websites at least fifteen (15) calendar days
12 before the meeting.

13 ~~(d)~~ The director shall review the application to determine whether the aquaculture
14 activities proposed in the application are:

15 (1) Not likely to cause an adverse effect on the marine life adjacent to the area to be subject
16 to the permit and the waters of the state;

17 (2) Not likely to have an adverse effect on the continued vitality of indigenous fisheries of
18 the state.

19 ~~(d)~~(e) The MFC shall review the application to determine whether the aquaculture activities

1 proposed in the application are consistent with competing uses engaged in the exploitation of the
2 marine fisheries.

3 ~~(e)~~(f) The approval by the CRMC shall be subject to any public hearings, consistent with
4 chapter 35 of title 42, that it may require.

5 **20-10-16. Penalties.**

6 (a) Any person who conducts aquaculture activities in excess of those authorized by an
7 aquaculture permit shall be guilty of a misdemeanor and subject to imprisonment not exceeding
8 one year or a fine not exceeding one thousand dollars (\$1,000), or both. In addition to that fine
9 and/or imprisonment, all works, improvements, fish, and animal and plant life involved in the
10 project may be forfeited to the state.

11 (b) Any person damaging, disturbing, or interfering with any area subject to an aquaculture
12 permit or any person damaging, disturbing, interfering, or taking by any means whatsoever, or
13 possessing the cultivated species in an area subject to an aquaculture permit, without the permission
14 of the permittee, is guilty of a misdemeanor and subject to imprisonment not exceeding one year
15 or a fine of not more than one thousand dollars (\$1,000), or both. In addition to that fine and/or
16 imprisonment, all vessels, dredges, tongs, rakes, and other implements used to damage, disturb,
17 interfere, or take cultivated species in those areas may be forfeited to the state.

18 (c) Any permittee who fails to label equipment pursuant to § 20-10-9.1 and/or fails to
19 retrieve loose equipment as determined by the executive director of the CRMC shall be issued an
20 administrative fine pursuant to § 46-23-7.1.

21 **20-10-17. Arrest, seizure, and prosecution of violators.**

22 (a) Any police officer authorized to make arrests, the director, harbormasters and
23 conservation officers appointed under the authority of § 20-1-6 shall be empowered:

24 (1) To enforce all laws, rules, and regulations relating to this chapter;

25 (2) To execute all warrants and search warrants for the violation of laws, rules, and
26 regulations relating to this chapter;

27 (3) To serve subpoenas issued for the trial of all offenses hereunder;

28 (4) To arrest, without a warrant and on view, any person found violating any law, rule, or
29 regulation relating to this chapter; take that person before a court having jurisdiction for trials;
30 detain that person in custody at the expense of the state until arraignment; and to make and execute
31 complaints within any district, to the justice or clerk of the court, against any person for any of the
32 offenses enumerated under this chapter, committed within the district.

33 (b) The director, and the director's deputies and assistants, may, by virtue of their respective
34 offices, make complaints of any violation of this chapter, and they shall not be required to give

1 recognizance or to furnish surety for costs or be liable for costs on those complaints.

2 SECTION 2. Chapter 20-10 of the General Laws entitled "Aquaculture" is hereby amended
3 by adding thereto the following section:

4 **20-10-9.1. Labeling of aquaculture equipment.**

5 The CRMC shall require all permittees to clearly identify and label all aquaculture
6 equipment in a fashion prescribed by the CRMC.

7 SECTION 3. Section 46-23-7 of the General Laws in Chapter 46-23 entitled "Coastal
8 Resources Management Council" is hereby amended to read as follows:

9 **46-23-7. Violations.**

10 (a)(1) In any instances wherein there is a violation of the coastal resources management
11 program, or a violation of regulations or decisions of the council, the commissioner of coastal
12 resources management shall have the power to order any person to cease and desist or to remedy
13 any violation of any provisions of this chapter, or any rule, regulation, assent, order, or decision of
14 the council whenever the commissioner of coastal resources management shall have reasonable
15 grounds to believe that such violation has occurred.

16 (2) Council staff, conservation officers within the department of environmental
17 management, harbormasters and state and municipal police shall be empowered to issue written
18 cease and desist orders in any instance where activity is being conducted which constitutes a
19 violation of any provisions of this chapter, or any rule, regulation, assent, order, or decision of the
20 council.

21 (3) Conservation officers within the department of environmental management, council
22 staff, and state and municipal police shall have authority to apply to a court of competent
23 jurisdiction for a warrant to enter on private land to investigate possible violations of this chapter;
24 provided, that they have reasonable grounds to believe that a violation has been committed, is being
25 committed, or is about to be committed.

26 (b) Any order or notice issued pursuant to subsection (a) shall be eligible for recordation
27 under chapter 13 of title 34, and shall be recorded in the land evidence records in the city/town
28 wherein the property subject to the order is located, and any subsequent transferee of the property
29 shall be responsible for complying with the requirements of the order and notice.

30 (c) The coastal resources management council shall discharge of record any notice filed
31 pursuant to subsection (b) within thirty (30) days after the violation has been remedied.

32 SECTION 4. Chapter 46-23 of the General Laws entitled "Coastal Resources Management
33 Council" is hereby amended by adding thereto the following section:

34 **46-23-11.2. Review of regulations.**

1 The council shall conduct a public review and update of the regulations and policies no
2 less than every five (5) years.

3 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO FISH AND WILDLIFE -- AQUACULTURE

1 This act would require the CRMC Council to conduct a public review and update of its
2 regulations, or the “Red Book,” at least every five (5) years. It would require all aquaculture permit
3 applicants to notify the public through a local newspaper advertisement and other social media and
4 to hold a public forum in the community with municipal leaders to answer questions and define the
5 scope of the project before a permit is granted by CRMC. The act would also require all aquaculture
6 permit holders to label aquaculture equipment and implement a fine of two thousand five hundred
7 dollars (\$2,500) for failing to label equipment or failing to retrieve loose equipment and empower
8 harbormasters to enforce aquaculture CRMC permits.

9 This act would take effect upon passage.

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